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November 11, 2020

BY ECF

Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *City of Almaty, Kazakhstan, et al. v. Felix Sater, et al.*,  
Case No. 19 Civ. 2645 [rel. 15 Civ. 5345] (AJN) (KHP)

Dear Judge Nathan:

We represent the City of Almaty, Kazakhstan and BTA Bank (the "Kazakh Entities"). Pursuant to 28 U.S.C. § 1781(b) and the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Mar. 18, 1970, 23 U.S.T. 2555, 847 U.N.T.S. 231, we respectfully submit this application requesting that the Court issue the enclosed Hague Convention Request for International Judicial Assistance to the Central Authority of Switzerland, in the form attached hereto as Exhibit 1.<sup>1</sup> The Kazakh Entities have conferred with the parties (with the exception of Ferrari Holdings and MeM Energy Partners, which are in default) and shared with them copies of this Letter of Request, and none of the parties have opposed the issuance of the enclosed Letter of Request in the attached form. We therefore respectfully request that the Court issue the attached Letter of Request.

The attached proposed Letter of Request to Switzerland seeks assistance from the Swiss Central Authority in deposing Ilyas Khrapunov and Leila Khrapunov, key third-party witnesses in this matter. The Kazakh Entities allege that the former controlling shareholder and chairman of BTA Bank, Mukhtar Ablyazov, embezzled billions of dollars from BTA Bank and laundered that money with the assistance of Ilyas Khrapunov. Specifically, Ilyas worked with Defendant Felix Sater to launder stolen funds into the United States through numerous investment schemes as part of Ilyas and Ablyazov's scheme to evade U.K. worldwide freezing orders and conceal stolen assets from investigators around the world. As to Leila Khrapunov, the Kazakh Entities allege that Leila, Ilyas's mother, and her husband, Viktor Khrapunov, stole millions of dollars from the City of Almaty through Viktor's corruption of his office as Mayor of Almaty and subsequently used that money to fund certain companies that Ilyas controlled, including companies that Ilyas used to launder money in the United States. Other witnesses have also testified in this case that Leila personally funded certain investments managed by Sater—a claim that the Kazakh Entities contest. The attached proposed Letter of Request to Switzerland seeks the permission of the Swiss Central

<sup>1</sup> The Kazakh Entities are transmitting this letter to the Court by both ECF and email per the Court's Emergency Individual Rules and Practices in Light of COVID-19. The emailed version will have attached two copies of the proposed Letter of Request, to comply with the U.S. Department of State's recommendation that Hague Convention requests be prepared in duplicate. Both copies will be labeled Exhibit 1.

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Authority in deposing Ilyas and Leila in that country, and identifies the topics for the proposed depositions.

If the attached proposed Letter of Request is acceptable to the Court, we respectfully request that Your Honor endorse the letter application, and take the following actions:

1. The Kazakh Entities respectfully request that Your Honor sign both of the duplicates for the Letter of Request attached to the hand-delivered copy of this application.
2. The Kazakh Entities respectfully request that Your Honor then direct the Clerk of the Court to:
  - a. apply the seal of the Court to both signed copies of the Letter of Request;
  - b. file a copy of the signed Letter of Request in the docket of this action; and
  - c. return the two signed copies of the Letter of Request and Commission to undersigned counsel to be transmitted to the designated Hague Convention Central Authorities, at the below address.

Tribunal Civil - Tribunal de Première Instance  
Place du Bourg-de-Four 1  
Case postale 3736  
CH-1211 Genève 3, Switzerland

In keeping with the Court's practice in other Hague requests in this action, we will send a messenger to the Courthouse to pick up all originals from the Clerk's Office once executed.

Thank you for your consideration of this request.

The Kazakh Entities' request is hereby GRANTED for the reasons stated in this letter. The letters may be picked up from the Clerk's Office.  
SO ORDERED.

Respectfully,

/s/ Craig Wenner  
Craig Wenner

**SO ORDERED:**

  
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J. PAUL OETKEN  
U.S.D.J.

Part I

Nov. 12, 2020